

PHILLIP A. TALBERT
United States Attorney
ROGER YANG
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

YAN CHEN,

Defendant.

CASE NO. 2:23-cr-00069 JAM

**STIPULATION REGARDING CONTINUANCE
OF SENTENCING; FINDINGS AND ORDER**

DATE: January 23, 2024
TIME: 9:00 a.m.
COURT: Hon. John A. Mendez

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for sentencing on January 23, 2024.
2. By this stipulation, defendant now moves to continue the sentencing until **June 4, 2024, at 09:00 a.m.**, and to exclude time between January 23, 2024, and June 4, 2024.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The parties are not in a position to proceed to sentencing, and the probation officer needs additional time to prepare the pre-sentence report.
 - b) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
 - c) The government does not object to the continuance.

d) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of January 23, 2024 to June 4, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 17, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ ROGER YANG
ROGER YANG
Assistant United States Attorney

Dated: January 17, 2024

/s/ SHAWN SALEHIEH
SHAWN SALEHIEH
Counsel for Defendant
Yan Chen

ORDER

IT IS SO FOUND AND ORDERED.

Dated: January 17, 2024

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE